

## **CHAPTER 7—ADULT CASE RECORDS INFORMATION**

### **ARTICLE 4—INITIAL INTAKE PROCEDURE**

*Revised July 22, 2013*

#### **72020.1 Policy**

Inmates received by the Department must be accompanied by proper documentation and authorization, and their identity must be verified to prevent inadvertent acceptance of persons not legally committed to CDCR.

If CDCR Intake Control Unit (ICU) has been notified by a county that a new commitment prisoner or a referral pursuant to Penal Code (PC) Section 1203.03 is ready to be transported, the Department is unable to accept delivery by the fifth working day, and the abstract of judgment or minute order has been completed, PC Section 4016.5(d) states that county shall be reimbursed for costs incurred resulting from the prisoner's detention.

California Code of Regulations (CCR), Title 2, Division 2, Financial Operations, Chapter 1, Victim Compensation and Government Claims Board, Section 776, states a county is entitled to reimbursement for allowable expenses incurred in the transportation of a State prisoner to a State institution.

#### **72020.2 Purpose**

This Section establishes standard procedures for the orderly acceptance and processing of inmates in a controlled, expedient manner into departmental institutions.

This Section establishes standard procedures for the reimbursement to a county when the county has notified CDCR of the detention of a new commitment State prisoner in a county facility in excess of five working days from the date of county notification to ICU.

This Section also establishes standard procedures for reimbursement of allowable expenses incurred in the transportation of State prisoners.

#### **72020.3 Types of Inmates/Cases Received by the Department**

Inmates received by CDCR include:

- New commitments.
- Diagnostic commitments [PC 1203.03].
- Safekeepers (PC 4007).
- Out-to-court returns with new terms or to finish terms.
- Parole Violators With New Terms (PVWNT) or Parole Violators Returned To Custody (PVRTC).
- Outpatient returnees with new commitments or to finish commitments.

##### **72020.3.1 New Commitment County Reimbursement**

CDCR shall reimburse a county for each day of a prisoner's detention, starting on the day following the fifth working day (Monday through Friday, excluding holidays as outlined in Government Code Section 19853) after the county notifies CDCR it has a prisoner ready for transfer to CDCR and delivery is denied.

Reimbursement begins for each day in excess of five working days from the date the county notified CDCR ICU that delivery of the prisoner was denied.

The county will not be reimbursed for the detention of a prisoner for any period of time prior to notification and within the five working days after notification.

#### **Notification Processes:**

Notification to CDCR ICU shall be on or before the Friday prior to the week of transport. If a county's designated Receiving Center (RC) is unable to accept delivery of the prisoner, the county shall contact ICU. ICU will either:

- Direct the county to deliver the prisoner to an alternate RC with available beds; or
- Verify that CDCR is currently unable to accept delivery of the prisoner at any RC.

If a county refuses or is unable to deliver the prisoner to the designated or alternate RC, the county will no longer be eligible for reimbursement. Upon notification from CDCR ICU of the inability to accept delivery of the prisoner at any RC, the county shall e-mail, in CDCR's approved format, the following information to CDCR ICU:

- The name of each detained prisoner denied delivery to CDCR, along with his or her criminal investigation and identification number, and date of birth;
- The certified abstract of judgment date or minute order date for each prisoner denied transfer;
- Verification the prisoner denied delivery by CDCR is medically fit for transport.

Priority shall be given to inmates incurring non-routine medical expenses who are otherwise medically capable of transporting to CDCR. If a county attempts to deliver a prisoner to CDCR without notifying ICU and the RC is unable to accept delivery of the prisoner, the date of notification will be the date the county attempts to deliver the prisoner to CDCR. In the event beds become available at an RC for the prisoner whose delivery was initially denied, CDCR will notify the county of the bed availability and the county shall arrange for delivery of the prisoner to the identified RC. The county shall deliver the prisoner within two working days of CDCR's notification of bed availability. If the county is unable to deliver the prisoner within two working days, reimbursement will not be authorized for any additional days.

#### **72020.3.2 Allowable Expenses**

CDCR is responsible for reimbursement to counties for expenses incurred for the transportation of the State prisoner from a county facility to CDCR as outlined in CCR, Title 2, Section 776. Reimbursement claims must be submitted to CDCR within six months of the end of the month in which the costs were incurred.

#### **[Section 72020.4 is unchanged]**

#### **72020.4.1 Receiving Responsibility: Receiving and Release (R&R)**

In processing arrivals the R&R sergeant shall:

Verify that new/additional commitments are valid and certified. The court order is deemed certified if it has any two of the following:

- Original judge's signature.
- Original county/court clerk's signature.
- Original county seal.

Refer to Correctional Case Record Manager (CCRM) any questionable documents for verification.

Make a print of arrival's right index finger on the commitment document.

Assign a CDC identification number (CDC number) for new commitments.

Record each newly admitted inmate's number and name in the reception center roster.

### **Prepare Forms**

Prepare a Body Receipt in duplicate and distribute:

- Original to person delivering inmate.
- Copy to C-File.

Receive new arrival's cash, securities, and other personal property and complete a CDCR Form 104, Property and Cash Receipt Arrival, in quadruplicate and distribute:

- White, retained in R&R.
- Yellow, to inmate.
- Green, to trust office with case/securities.
- Pink, to remain with valuable property envelope.

Have inmate complete a CDCR Form 345, Authorization for the Secretary to Maintain Trust Account, and forward to C-file.

Prepare the Strategic Offender Management System (SOMS) - Notification in Case of Inmate Death, Serious Injury, or Serious Illness, on all new commitments.

- The CCRM shall prepare the SOMS-Notification in Case of Inmate Death, Serious Injury or Serious Illness for commitments received by mail.
- This information is used to prepare the FBI Form FD-249; Fingerprint Cards, and then the form is destroyed.
- The chrono section of the "Notification in Case of Inmate Death, Serious Injury, or Serious Illness" shall be removed and forwarded to Case Records for the C-File.

### **CDC Form 103-B**

The CDC Form 103-B, Associate Warden--Custody Inmate Record Card, may be used in a facility at the discretion of the Warden. This form is not a part of the inmate C-file and shall not be retained therein.

**[Section 72020.4.2 is unchanged]**

### **72020.4.3 Fingerprints**

Four sets of fingerprints and complete information shall be provided on four FBI Form FD-249, except for 90-day placements (PC 1203.03).

#### **R&R Responsibility**

On 90-day placements, only one FBI Form FD-249 shall be sent to California Department Of Justice (DOJ) on an FBI card.

#### **Required Information**

The following information is required on all FBI Form FD-249s:

- Date subject was received by the facility.
- County of commitment.
- Commitment offense(s).
- Court case number(s), crime(s) including probation revocation when applicable, proper code section(s), and sentence(s) shall be specified.
- For diagnostic cases, the charge shall be "PC 1203.03." The charge resulting in PC 1203.03 commitment shall not be reflected.
- Inmate's full commitment name [see DOM 73010.6.1], CDC number, contributing facility's identification number, and the name of the facility submitting the card.

### **Additional Commitments**

If an additional commitment is involved, indicate the type.

- Court return with new term.
- Additional commitment received by mail.
- Escape return with new term.
- PVWNT.
- Civil Addict cases shall specify outpatient return with a new commitment.

### **Parole Violators**

PVRTC:

- In the charge box, note "Parole Violator" or "Outpatient Returnee."
- In the final disposition box, note "P.R.T.C."

PVWNT:

- In the charge box, note "Parole Violator with New Term" and include county, case number, code and section number, and offense in narrative form.
- In the final disposition box, place the new term(s) (i.e., Parole Violator with New Term and years of term. Do not include code number.)

### **Audit of Information**

All FBI Form FD-249s shall be audited to ensure that they are proper, accurate, and complete in form.

FBI Form FD-249s that do not contain all the required information shall be returned to the processing facility by DOJ.

Returned FBI Form FD-249s shall be forwarded to the facility of confinement for correction and resubmission to DOJ.

On a daily basis, and no later than four working days after receipt of the inmate, two of the FBI Form FD-249s shall be mailed to:

California Department of Justice  
Bureau of Criminal Information and Analysis  
Room F-109  
4949 Broadway  
Sacramento, CA 95820-1528

### **Records Office**

The remaining two FBI Form FD-249s will be filed in the C-file. One shall be permanently retained there, and the other one shall be sent out to the Division of Adult Parole Operations (DAPO) when the inmate is released on parole.

### **[Section 72020.4.4 is unchanged]**

### **72020.4.5 Confidential Folders**

Upon receiving information that an inmate has a prior CDC number and was discharged on or after 1-1-80, the following shall be done.

#### **Reception Center Case Records Staff**

Query Offender Based Information System (OBIS) for confidential file flag.

- If there is a confidential flag, immediately contact ID/Warrants Unit Confidential Folder clerk.
- Request the Confidential Folder and have pertinent information relayed immediately for use by custody and counseling staff prior to receipt of the folder.

### **ID/Warrants Unit**

Mail Confidential Folders by First Class Mail the same day request is received.

- If the material in the Confidential Folder is deemed nonconfidential (see DOM 61020) the ID/Warrants Unit, Confidential Folder clerk, shall be notified to remove the confidential flag from OBIS.
- The Confidential Folder, with the notation "Deemed Nonconfidential," shall be returned to the Archives Unit with the discharged file.

**[Section 72020.4.6 is unchanged]**

### **72020.4.7 Parolees With New Commitments**

Non-life commitment parolees who have been revoked and returned to prison with a new commitment shall not be automatically discharged.

#### **Case Records Staff**

Case Records staff shall determine whether or not to discharge a prior commitment for a parolee returned to prison with a new commitment in accordance with BPH Rule 2649.

A parolee who has been returned with a new commitment but whose parole has not been revoked shall be presented to the BPH on the Miscellaneous Proceedings Calendar at the reception center or receiving facility.

**[Sections 72020.4.8 through 72020.5.2 are unchanged]**

### **72020.5.3 Former "Z" Cases (PC 1203.03)**

#### **Case Records Staff**

When an inmate is received on a felony sentence and was previously a "Z" case, the following shall occur:

Request the "Z" file from the Archives Unit if it has been shipped to that unit. When it is received:

- Destroy the following material from the "Z" file:
- All worksheets used by staff during processing.
- CDC Form 112, Chronological History.
- SOMS-Notification in Case of Inmate Death, Serious Injury or Serious Illness.
- FBI Form FD-249, Fingerprint Card.
- CDCR Form 345, Authorization for the Secretary to Maintain Trust Account.
- Draw a line through the "Z" number on the medical file; place the new CDC number on the file and forward it to the medical department.
- If part of the case summary is used, the new CDC number shall be typed above the "Z" number and the "Z" number lined out.
- Draw a line through the "Z" number on all remaining material and incorporate it into the new C-file. Materials not used shall be destroyed.

### **72020.5.4 PC 1170 (A) (2) Commitments**

The Legal Processing Unit (LPU) records commitments for persons sentenced pursuant to PC 1170(a) (2) and not delivered to prison.

The PC 1170(a) (2) provides for disposition of cases in which the amount of pre-prison credit exceeds the sentence under the Determinate Sentence Law (DSL). The BPH rules provide the same provisions for cases sentenced under the Indeterminate Sentence Law (ISL).

#### **72020.5.4.1 Procedures for Processing Commitments**

##### **DSL**

Upon receiving a judgment under the provision of PC 1170(a)(2), LPU shall process the case as follows:

To conform with DSL commitments:

- Term(s) shall be calculated and a CDC Form 188 prepared.
- If the preprison credit exceeds the DSL term including period of parole, the CCRM shall notify the sentencing court that the person has completed the prison term and period of parole and should be released from custody.
- If the preprison credit exceeds the DSL term, but not the period of parole, the case shall be presented to the BPH for consideration of waiver of parole. The court shall be advised of the BPTH decision. If parole is not waived, the court shall be advised to order the individual to the appropriate parole office for parole supervision.
- If the preprison credit does not exceed the DSL term, the CCRM shall notify the court. The notification shall include information reflecting the computation and the amount of time remaining to be served.

##### **ISL**

To conform with ISL commitments:

- Term(s) shall be recalculated pursuant to PC 1170.2(a) using a CDC Form 678, Cumulative Case Summary Confinement Computation, and the case screened for possible extended term hearing.
- The CDC Form 678, Probation Officer Report (PRO), Information, and related documents shall be presented to the BPH for review and disposition.
- If the person is not scheduled for an extended term hearing and is overdue for release on the date calculated under PC1170.2(a), the CCRM shall notify the sentencing court that the prison term is completed and the person should be released from custody. If the preprison credit does not satisfy the period of parole, the court shall be advised to order the person to report to the appropriate parole office for parole supervision.
- If the person is not overdue for release or if the person is scheduled for an extended term hearing, the CCRM shall notify the court that the person must be delivered to the Department. The notification to the court shall include a copy of the CDC Form 678 or BPH Form 1091, Screening Form, and include the amount of time remaining to be served unless the person is scheduled for an extended term hearing.

##### **Person Not Delivered**

Those cases that require a person not be delivered shall be processed as follows:

- Assign CDC number.
- Route to OBIS for input of commitment information.
- Prepare departmental records.
- If discharged, microfiche and forward all documents to the Archives Unit.
- If paroled, forward all documents to the appropriate parole region CCRM.

**Note:** CDC numbers and departmental records shall not be issued and/or prepared until it has been determined that the pre-prison credit exceeds the term and the person will be discharged or placed under parole supervision.

**[Section 72020.5.5 is unchanged]**

#### **72020.5.6 Former Division of Juvenile Justice Files**

If a new arrival is identified as a former Division of Juvenile Justice (DJJ) ward or is being discharged to the Department's jurisdiction, the CCRM shall contact DJJ ward master files .

The DJJ will provide a copy of the clinical summary for use by the counselor. If a complete file is needed, it will have to be specifically requested.

**[Sections 72020.6 through 72020.6.1 are unchanged]**

#### **72020.7 Revisions**

The Director, Division of Adult Institutions, or designee shall be responsible for ensuring that the contents of this Section are kept current and accurate.

#### **72020.8 References**

PC §§ 1170(a)(2), 1170.2(a), 1203.03, 1389, 2081.5, 2082, 2900, 2901, 3058.5, 4007, and 4016.5(d).

GC §§ 19853.

Government Claims Board Section 776.